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Walmart Inc.*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

EDIE GOLIKOV, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

WALMART INC.,

Defendant.

Case No. 24-cv-08211-RGK-MAR

**STIPULATION TO STAY CASE  
PENDING THE JUDICIAL PANEL  
ON MULTIDISTRICT  
LITIGATION'S RULING ON THE  
PENDING TRANSFER MOTION**

Compl. filed: September 29, 2024  
Current resp. date: December 2, 2024

Assigned to the Hon. R. Gary Klausner  
Dept.: Courtroom 850

Pursuant to Local Rule 7-1, Plaintiff Edie Golikov (“Plaintiff”) and Defendant Walmart Inc. (“Defendant”) (together, the “Parties”), by and through their respective attorneys, hereby stipulate and request that the Court issue an order staying all proceedings and deadlines in this action until the Judicial Panel on Multidistrict Litigation (JPML) rules on the pending motion to transfer this action and others pursuant to 28 U.S.C. § 1407 (the “Motion”). *See In re Avocado Oil Marketing and Sales Practices Litig. (In re Avocado Oil)*, MDL No. 3133, ECF No.

1. The Parties further stipulate and request an order that, if the JPML denies the Motion, Walmart’s response to the Complaint will be due 21 days from the date of that denial. The Parties also agree and stipulate that, while this Court is considering this Stipulated Request for a Stay, Walmart need not respond to the Complaint, and if the Court denies this Stipulated Request, Walmart shall have 14 days after such denial to respond to the Complaint.

In support of this stipulation and request, the Parties state the following:

Plaintiffs’ complaint in this action was filed on September 29, 2024, ECF No. 1 (“Complaint”), and served on Defendant on October 10, 2024, ECF No. 12, making Defendant’s answer or response to the Complaint due on or before October 31, 2024. The parties stipulated under Local Rule 8-3 to extend the deadline to December 2, 2024, which is the current deadline. ECF No. 17.

Plaintiff claims that Walmart’s marketing of Great Value Avocado Oil was false and misleading because the avocado oil is allegedly adulterated. Compl. On October 23, 2024, the plaintiffs in seven separate avocado oil cases submitted the Motion to the JPML, seeking to centralize under § 1407 this and at least eight other actions against various retailers and manufacturers of avocado oil. *See In re Avocado Oil*, ECF No. 1. Responses to the Motion were filed on November 15, 2024, *see id.*, ECF Nos. 29, 30, 31, 32, 33, and Movants’ reply brief was filed on November 22, 2024, *see id.*, ECF No. 38. The Motion is not presently set for a hearing.

1 After the Motion was filed, counsel for Walmart conferred with counsel for  
2 Plaintiff, and the Parties hereby stipulate and agree (subject to a determination from  
3 this Court) that good cause exists to stay this action pending the JPML's ruling on  
4 the Motion. Absent a stay, Walmart will be required to answer or otherwise  
5 respond to the Complaint by December 2, and the Parties will be required to address  
6 any such pleading while simultaneously addressing the pending Motion before the  
7 JPML. Moreover, any briefing or other proceedings before this court may be  
8 rendered unnecessary by an on order from the JPML granting the pending Motion.

9 It is in the interest of judicial economy and the Parties to allow the JPML to  
10 render a decision on the Motion, because it will avoid duplicative briefing and the  
11 unnecessary use of judicial resources. "Courts frequently grant stays pending a  
12 decision by the MDL Panel regarding whether to transfer a case." *Good v.*  
13 *Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998); *see also Rivers*  
14 *v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997) (granting stay  
15 pending JPML's ruling because "a majority of courts have concluded that it is often  
16 appropriate to stay preliminary pretrial proceedings while a motion to transfer and  
17 consolidate is pending with the MDL Panel").

18 Here, it is possible that the JPML will grant the pending motion to transfer  
19 and coordinate or consolidate the related cases (including this one) for pretrial  
20 proceedings under 28 U.S.C. § 1407. In that event, this Court and the parties may  
21 have needlessly expended resources in the preparation, briefing, and consideration  
22 of responsive pleadings, motions, and any further pre-trial proceedings. *See A.H.M.*  
23 *v. Uber Techs., Inc.*, No. 23-CV-03482-JSC, 2023 WL 6199179, at \*2 (N.D. Cal.  
24 Sept. 22, 2023) (granting opposed motion for stay pending JPML order and  
25 concluding that judicial economy "strongly favors a stay").

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Courts in this district have previously stayed cases pending a JPML ruling on transfer. *E.g.*, *Rivers*, 980 F. Supp. at 1362; *Miller v. Time Warner Cable, Inc.*, No. 8:16-cv-00329-CAS(ASx), 2016 U.S. Dist. LEXIS 103586, at \*4 (C.D. Cal. Aug. 5, 2016) (staying the matter pending a decision from the JPML, noting that a stay of the proceedings would not cause prejudice and “in the interests of judicial economy” it is “appropriate to briefly stay these proceedings pending a decision from the JPML”); *Nash v. Janssen Research & Dev., LLC*, No. CV 15-03868-AB (*Ex*), 2015 U.S. Dist. LEXIS 186839, at \*10 (C.D. Cal. June 4, 2015) (granting stay pending decision from JPML finding no prejudice to the parties and that a “stay would further the purposes of [the MDL] by promoting judicial economy and conserving judicial resources in consolidating several cases with similar issues”).

Further, several courts have already entered orders staying proceedings in cases potentially subject to transfer under the pending Motion, and every such request for a stay has been granted. *See, e.g.*, Ord. Granting Stipulation to Stay Case at 1, Nov. 15, 2024, *Morrison v. Sovena USA, Inc.*, 2:24-cv-08144 (C.D. Cal.) (ECF No. 17) (granting stay pending decision of JPML); Notification of Dkt. Entry, Nov. 7, 2024, *Dawar v. Sam’s West, Inc., et al.*, 1:24-cv-09106 (N.D. Ill.) (ECF No. 16) (same); Elec. Ord., Nov. 21, 2024, *Zajac v. The Stop & Shop Holding, Inc.*, 1:24-cv-12512 (D. Mass) (ECF No. 9) (same).

The Parties do not expect this stay to materially delay this litigation, which is in its beginning stages and may be transferred to another venue. The pleadings are not settled, and no trial dates, hearings, or other deadlines have been set.

Finally, the Parties respectfully submit that this Stipulation and Request is not made for the purposes of delay or for any other improper purpose.

Accordingly, the Parties stipulate and respectfully request that the Court order that these proceedings be stayed until the JPML rules on the Motion and that, if the JPML denies the Motion, Walmart’s response to the Complaint will be due 21 days from the date of any such denial. The Parties also agree and stipulate that,

1 while this Court is considering this Stipulated Request for a Stay, Walmart need not  
2 respond to the Complaint, and if the Court denies this Stipulated Request, Walmart  
3 shall have 14 days after such denial to respond to the Complaint.  
4

5 Dated: November 25, 2024

DAVIS WRIGHT TREMAINE LLP

6 By: /s/ Jacob M. Harper  
7 Jacob M. Harper

8 *Attorneys for Defendant*  
9 Walmart, Inc.

10 Dated: November 25, 2024

DOVEL & LUNER, LLP

11 By: /s/ Rick Lyon  
12 Rick Lyon

13 *Attorneys for Plaintiff*  
14 Edie Golikov  
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**LOCAL RULE 5-4.3.4 COMPLIANCE**

I, Jacob M. Harper, attest that concurrence in the filing of this document has been obtained from each of the other signatories listed above, in accordance with Local Rule 5-4.3.4.

DATED: November 25, 2024

/s/ Jacob M. Harper

Jacob M. Harper